

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,)

Plaintiff,)

v.) No. 05-45-SLR

LAMAR GAINES,)

Defendant.)

MOTION FOR DETENTION HEARING

NOW COMES the United States and moves for the pretrial detention of the defendant, pursuant to 18 U.S.C. §3142(e) and (f). In support of the motion, the United States alleges the following:

1. **Eligibility of Case.** This case is eligible for a detention order because case involves

(check all that apply):

- ☒ Crime of violence (18 U.S.C. § 3156)
☐ Maximum sentence life imprisonment or death
☐ 10+ year drug offense
☐ Felony, with two prior convictions in above categories
☒ Serious risk defendant will flee
☐ Serious risk obstruction of justice

2. **Reason For Detention.** The court should detain defendant because there are no conditions of release which will reasonably assure (check one or both):

X Defendant's appearance as required

 X Safety of any other person and the community

3. **Rebuttable Presumption.** The United States (will, will not) invoke the rebuttable presumption against defendant under §3142(e). (If yes) The presumption applies because (**check one or both**):

 Probable cause to believe defendant committed 10+ year drug offense or firearms offense, 18 U.S.C. §924(c)

 Previous conviction for "eligible" offense committed while on pretrial bond

4. **Time For Detention Hearing.** The United States requests the court conduct the detention hearing,

 At first appearance

 X After continuance of 3 days (not more than 3).

5. **Temporary Detention.** The United States requests the temporary detention of the defendant for a period of days (not more than 10) so that the appropriate officials can be notified since:

1. At the time the offense was committed the defendant was:

 (a) on release pending trial for a felony;

 (b) on release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence for an offense;

 (c) on probation or parole for an offense.

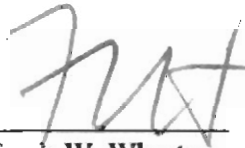
2. ____ The defendant is not a citizen of the U.S. or lawfully admitted for permanent residence.

3. ____ The defendant may flee or pose a danger to any other person or the community.

6. Other Matters.

DATED this 19th day of May, 2005.

COLM F. CONNOLLY
United States Attorney

BY: 
Ferris W. Wharton
Assistant United States Attorney